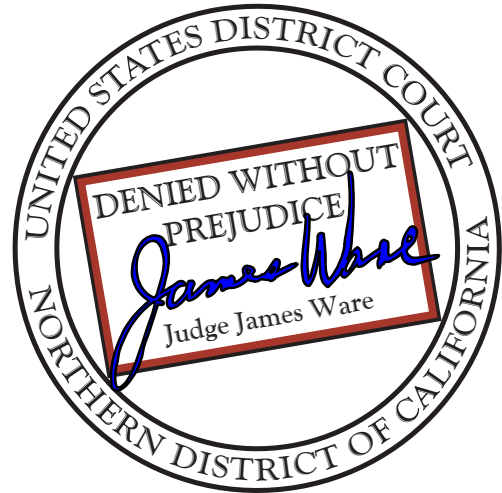


[all counsel listed on signature page]



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AVAGO TECHNOLOGIES GENERAL IP
PTE LTD. and AVAGO TECHNOLOGIES
ECBU IP PTE LTD., organized and
incorporated under the laws of Singapore,

Plaintiffs and Counterclaim-Defendants,

vs.

ELAN MICROELECTRONICS CORP., a
Taiwanese corporation, and ELAN
INFORMATION TECHNOLOGY GROUP, a
California Corporation,

Defendants and Counterclaim-Plaintiff.

Case No. 5:04-cv-05385-JW

**ORDER DENYING STIPULATION FOR
ORDER CONTINUING PRETRIAL
CONFERENCE**

Date: March 23, 2009
Time: 3:00 p.m.
Judge: James Ware
Courtroom: 8

Plaintiffs Avago Technologies General IP PTE LTD and Avago Technologies ECBU IP PTE LTD (“Avago”) and Defendant Elan Microelectronics Corporation (“Elan”), through their undersigned counsel, stipulate as follows and jointly respectfully request an Order rescheduling the Joint Pretrial Conference Statement, the Pretrial Conference, and trial.

1. The parties have re-opened settlement negotiations and are planning a meeting in California in early March.
2. The parties wish to minimize litigation expenses pending the March meeting and to avoid

1 burdening the Court in the event that the parties are successful in reaching settlement
2 terms.

3 3. Under the current schedule, the Joint Pretrial Conference Statement and accompanying
4 Motion *in Limine*, exhibits lists, witness lists and related exhibits are due February 23,
5 2009. The Pretrial Conference is scheduled for March 23, 2009 at 3:00 p.m. Jury
6 Selection is currently set for April 14 and trial is set to commence April 15, 2009.

7 4. The parties jointly request that the Court reschedule the Pretrial Conference and trial and
8 vacate the February 23, 2009 Joint Pretrial Conference Statement deadline so that the
9 parties can devote their efforts to settlement efforts rather than trial preparation.

10 Dated: February 17, 2009

 Respectfully submitted,

11
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 Attorneys for Defendants and Counterclaim-Plaintiff
 ELAN MICROELECTRONICS CORP. and
 ELAN INFORMATION TECHNOLOGY GROUP

 By: /s/ Elizabeth H. Rader
 Elizabeth H. Rader

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Elizabeth H. Rader, attest that concurrence in the filing of this document has been obtained.

_____/s/ Elizabeth H. Rader

Elizabeth H. Rader

CERTIFICATE OF SERVICE

I certify that all counsel of record, who are deemed to have consented to electronic service, are being served on February 17, 2009, with a copy of this document via the Court's CM/ECF system.

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By: ____/s/ Elizabeth H. Rader_____
Elizabeth H. Rader

Attorney for Defendants
ELAN MICROELECTRONICS CORP. and
ELAN INFORMATION TECHNOLOGY GROUP


PROPOSED ORDER

Although the Court is encouraged that the parties have re-opened settlement negotiations, the Court finds that, in light of the age of the case and the parties' previous efforts at settlement, vacating the pretrial deadlines would only create a further delay in resolving this 2004 case. Accordingly, the Court DENIES the parties' Stipulation without prejudice to be renewed. Nothing in this Order prevents the parties from completing the pretrial processes and simultaneously discuss settlement. In the event that the parties' settlement discussions are fruitful and definite, the parties may renew their request.

Dated: February 19, 2009



JAMES WARE
United States District Judge